

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul N. Stoving et al.                      Art Unit : 2832  
Serial No. : 10/802,409                                      Examiner : Marina Fishman  
Filed : March 16, 2004                                      Confirmation No.: 3843  
Title : VACUUM ENCAPSULATION HAVING AN EMPTY CHAMBER

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Applicants request consideration of the reference listed on the attached PTO-1449 form. Under 37 C.F.R. § 1.98 (a)(2)(ii), only copies of foreign patent documents and/or non-patent literature are enclosed. Copies of any listed U.S. patents or U.S. patent application publications can be provided upon request.

This statement is being filed after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. The fee in the amount of \$180 in payment of the late submission fee of §1.17(p) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 29, 2006

/Diana DiBerardino/  
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Substitute Form PTO-1449 (Modified)  <b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)  (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 08215-540001	Application No. 10/802,409
	Applicant Paul N. Stoving et al.			
	Filing Date March 16, 2004		Group Art Unit 2832	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AQ	PCT Notification Concerning Transmittal of Copy of International Preliminary Report on Patentability (Chapter 1 of the Patent Cooperation Treaty), mailed November 10, 2005 (5 total pages).
	AR	
	AS	
	AT	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

**PCT**

**NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)**

(PCT Rule 44bis.1(c))

To:

HAYDEN, John, F.  
Fish & Richardson P.C  
1425 K Street, N.W., 11th Floor  
Washington, DC 20005-3500  
ETATS-UNIS D'AMERIQUE

Date of mailing ( <i>day/month/year</i> ) 10 November 2005 (10.11.2005)		
Applicant's or agent's file reference 08215-540WO1		<b>IMPORTANT NOTICE</b>
International application No. PCT/US2004/012803	International filing date ( <i>day/month/year</i> ) 26 April 2004 (26.04.2004)	Priority date ( <i>day/month/year</i> ) 25 April 2003 (25.04.2003)
Applicant MCGRAW-EDISON COMPANY et al		

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Authorized officer  Beate Giffo-Schmitt  Facsimile No. +41 22 338 87 20
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 08215-540WO1	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2004/012803	International filing date (day/month/year) 26 April 2004 (26.04.2004)	Priority date (day/month/year) 25 April 2003 (25.04.2003)	
International Patent Classification (IPC) or national classification and IPC H01H 33/66			
Applicant MCGRAW-EDISON COMPANY			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.  
  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
3. This report contains indications relating to the following items:
 

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 28 October 2005 (28.10.2005)  Authorized officer  <div style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</div> Telephone No. +41 22 338 87 20
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 21 FEB 2005

PCT  
WIPO

PCT

To:  
JOHN F. HAYDEN  
FISH & RICHARDSON P.C.  
1425 K STREET, N.W., 11TH FLOOR  
WASHINGTON, DC 20005-3500

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

17 FEB 2005

FOR FURTHER ACTION

See paragraph 2 below

Applicant's or agent's file reference

08215-540WO1

International application No.

International filing date (day/month/year)

26 April 2004 (26.04.2004)

Priority date (day/month/year)

04 April 2003 (04.04.2003)

PCT/US04/12803

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H01H 33/66 and US Cl.: 218/118

Applicant

MCGRAW-EDISON COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Elvin Enad

Telephone No. 571-272-1850

Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/12803

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/12803

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 6,7,10,19 YES  
Claims 1-5,8,9,11-18,20,21 NO

Inventive step (IS)

Claims 6,7,10,19 YES  
Claims 1-5,8,9,11-18,20,21 NO

Industrial applicability (IA)

Claims 1-21 YES  
Claims NONE NO

2. Citations and explanations:

Claims 1-5,8,9,11-18,20, 21 lack novelty under PCT Article 33(2) as being anticipated by Kumbera et al. [US 4,168,414].

Kumbera et al. disclose a switchgear assembly [Figure 3] having a vacuum interrupter [3], a current exchange housing adjacent to the vacuum interrupter, a seal [51] provided around vacuum interrupter to define a cavity within the current exchange housing, a tube [47] provided within the seal.

Claims 6, 7, 10, 19 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a vacuum switching device with a air-filled cavity comprises a tube that reduces an air pressure in an area of the exterior of the seal, such that air from within the air-filled cavity is removed from the air-filled cavity through the tube.

Claims 1 -21 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.